

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nathan L.,¹

Civ. No. 23-1310 (JWB/DJF)

Plaintiff,

v.

Martin J. O'Malley, *Commissioner of
Social Security Administration*,

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Defendant.

Clifford Michael Farrell, Esq., Manring & Farrell; and Edward C. Olson, Esq., Reitan Law Office, counsel for Plaintiff.

Ana H. Voss, Esq., United States Attorney's Office; James D. Sides, Esq., and Linda H. Green, Esq., Social Security Administration, counsel for Defendant.

United States Magistrate Judge Dulce J. Foster issued a Report and Recommendation ("R&R") on May 3, 2024. (Doc. No. 25.) No objections have been filed to that R&R in the time permitted. Absent timely objections, the R&R is reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings in this case, **IT IS HEREBY ORDERED** that:

1. The May 3, 2024 R&R (Doc. No. 25) is **ACCEPTED**;

¹ This District has adopted the policy of using only the first name and last initial of any nongovernmental parties in social security appeals such as the present case. Accordingly, only Plaintiff's first name and last initial are provided.

2. Plaintiff's request for relief (Doc. No. 19) is **GRANTED IN PART**;

3. Defendant's request for relief (Doc. No. 22) is **DENIED**;

4. The Commissioner's final decision is vacated;

5. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the R&R.

As stated in the R&R, "[o]n remand the ALJ should: (1) provide a clear explanation as to why Plaintiff's RFC should or should not be further limited to brief and superficial interaction; and (2) recall a vocational expert for testimony to the extent necessary to address a new hypothetical based on any modified RFC." (Doc. No. 25 at 12–13); and

6. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 14, 2024

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge